

United States District Court Southern District of Texas

Case Number: 05-651

ATTACHMENT

Description:

☐ State Court Record ☐ State Court Record Continued

☐ Administrative Record

☐ Document continued - Part _____ of _____

☒ Exhibit to: m/s/gdm
number(s) / letter(s) Ex. D - Cont.

Other: _____

ORAL DEPOSITION OF TIMOTHY JAMES POOLE

1 A So you make sure it's safe to operate the
2 transfer.

3 Q And who completes the form of the ready barge
4 inspection?

5 A Tankerman.

6 Q Okay. And would you have completed that, a
7 ready barge inspection form, on the Kirby 11003 on July
8 26th?

9 A Yeah.

10 Q And is that barge inspection form completed --
11 earlier we talked about a barge inspection. Right? Is
12 the barge inspection we're talking about the ready barge
13 inspection?

14 A Yeah.

15 Q At Kirby, who did you report to?

16 A Supervisor on call.

17 Q And who were your supervisors?

18 A At the time, it was Larry Croft, Joey -- I
19 can't really say his last name, Jake Lynn and the fourth
20 one was they call him "Dummy." I can't remember his
21 name. Their supervisor was Ozzie.

22 Q Ozzie?

23 A Ozzie Fuller.

24 Q Are any of those guys, the names you just told
25 me, are any of those guys a member of a crew of a boat?

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1 A Not that I know of, no.

2 Q Do any of those people come out to the barge
3 with you?

4 A Sometimes.

5 Q What do they do when they come out with you?

6 A They inspect the barge or they help you during
7 the transfer, depends on if you had a problem, called
8 them out or whatever.

9 Q Are they with you on a daily basis?

10 A No.

11 Q Could a captain of any boat hire or fire you?

12 A I'm sure they can get you fired if you did
13 something bad, yeah.

14 Q But do they have the -- could a captain come up
15 to you and say, "You're fired. Get out of here"?

16 A Yeah, I'm sure they can.

17 Q Does a captain of any boat have authority over
18 how you do your job?

19 A Yeah.

20 Q How?

21 A If they're pushing the barge and if they're
22 nearby, they still have control of that barge. You just
23 control the transfer. So if you do something wrong and
24 the captain sees it, he can either call your supervisor
25 or tell you to leave until they find somebody else.

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1 Q Have you ever received an assignment from a
2 boat or somebody on a boat?

3 A No.

4 Q When you report how your job is going or that
5 your job is completed or problems on the job, any type
6 of job report, do you ever do that to a boat?

7 A No. We do it to dispatching downtown.

8 Q Do you know how tankerman on boats that are
9 assigned as a crew member to a boat get paid?

10 A I think daily.

11 Q While you were at Kirby, did you always work on
12 Kirby barges?

13 A Yes.

14 Q Do you know what boats were pushing those Kirby
15 barges that you were working on?

16 A Not all the time, no.

17 Q Do you know if they were always Kirby boats
18 pushing those barges?

19 A Not all the time, no.

20 Q So sometimes they were not Kirby boats?

21 A Yeah.

22 Q Okay. And those times when it was not a Kirby
23 boat that brought the barge in, you would have the same
24 relationship with that captain as you would with the
25 captain of a Kirby boat?

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1 A No.

2 Q Could the captain of a nonKirby boat tell you
3 to get off the barge and stop the transfer?

4 A He could just like any other captain but --

5 Q Okay. When you were at Kirby, did you ever
6 have a set watch, six hours on and six hours off,
7 anything like that?

8 A No.

9 Q When you were at Kirby, did you ever work with
10 ratchets?

11 A Yeah.

12 Q How often would you work with ratchets?

13 A Every day, when we hook the hoses up,
14 disconnected them.

15 Q How about ratchets to tighten wires?

16 A No.

17 Q Did you ever work with toothpicks?

18 A No.

19 Q Toothpick is the metal --

20 A I know. No.

21 Q Did you ever have to work with cheater bars?

22 A No.

23 Q Did you ever work with the deck winches?

24 A No.

25 Q Did you ever have to put out rest wires?

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1 A No.

2 Q Did you ever have to put out jockey wires?

3 A No.

4 Q Did you ever have to put out scissor wires?

5 A When you had a transfer with two different

6 barges, double up.

7 Q And how often was that?

8 A Every time I went to Hot Foot. It depends. I

9 would say probably about every four or five days.

10 Q Did you ever put out face wires?

11 A No.

12 Q Did you ever put out wing wires?

13 A No.

14 Q Did you ever put out backing wires?

15 A No.

16 Q Ever put out towing wires?

17 A No.

18 Q Ever put out boat, jockey, or knee wires?

19 A No.

20 Q Did you ever build a strung-out coupling?

21 A No.

22 Q Did you ever build a breasted-up coupling?

23 A No.

24 Q Did you ever build a high-low coupling?

25 A No.

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1 Q Did you ever break coupling?

2 A No.

3 Q Did you ever build steering coupling?

4 A No.

5 Q Do you know if the tankerman on the boats have
6 to do any of those things?

7 A If they ain't got a deckhand they do, yeah.

8 Q Have you ever had to splice wires or ropes at
9 Kirby?

10 A No.

11 Q Have you ever performed engine room maintenance
12 while you were employed at Kirby?

13 A No.

14 Q Have you ever chipped, scaled, or buffed on the
15 boats at Kirby?

16 A No.

17 Q Have you ever prepared steel for paint while
18 working for Kirby?

19 A No.

20 Q Have you ever painted while working for Kirby?

21 A No.

22 Q Have you ever worked on a barge while it's
23 underway?

24 A No.

25 Q Have you ever worked on a boat while it's under

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1 way?

2 A No.

3 Q Your right arm, is that a rash or --

4 A It's my birthmark.

5 Q Birthmark. Okay. Have you ever built tow

6 while working for Kirby?

7 A No.

8 Q When you go out to a job, are you introduced to

9 all the members of the boat's crew?

10 A No.

11 Q Are you given a tour of the boat?

12 A No.

13 Q Are you assigned a bunk?

14 A No.

15 Q Are you explained the general operation of a

16 boat?

17 A No.

18 Q Are you explained what your work schedule is

19 and who's going to be relieving you?

20 A No.

21 Q Are you explained what to do in the man

22 overboard drill?

23 A No.

24 Q Are you explained what the collision drill is

25 onboard?

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1 A No.

2 Q Are you explained an abandon ship drill?

3 A No.

4 Q Have you incurred any medical bills as a result
5 of this incident that have not been paid?

6 MR. BAXLEY: Objection, not within the
7 witness' personal knowledge.

8 Q (BY MR. SULLIVAN) Do you know -- are you
9 receiving any notification from anybody asking for money
10 for medical bills or medical care that you've received
11 as a result of this accident?

12 A Not that I know of, no.

13 Q Okay. Is this -- I am going to show you these
14 two pages from River Oaks Imaging & Diagnostic. They're
15 dated August 25th, 2005. Do you remember filling that
16 out? I believe it was for the MRI.

17 MR. BAXLEY: Let me see it real quick.
18 I'll give it right back to you.

19 A It's my handwriting, yeah.

20 Q (BY MR. SULLIVAN) I highlighted something I
21 wasn't really sure what it is. B-i-l or something or
22 B-l. I just don't know what that is. Do you know what
23 that is?

24 A Not offhand, no.

25 Q Okay.

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1 MR. BAXLEY: Let me look at it real quick.
2 The doctor wrote in b-i-l for bilateral. That's my take
3 on it.

4 A That part ain't my handwriting.

5 MR. SULLIVAN: Makes sense.

6 Q (BY MR. SULLIVAN) On this, there's two pages
7 there. And we'll mark this as Exhibit 1.

8 (Exhibit No. 1 marked.)

9 Q (BY MR. SULLIVAN) In there, it says, "List
10 types and dates of all surgeries." Do you see that
11 about middle of the page?

12 A Yeah.

13 Q And on there, you've listed carpal tunnel,
14 1999. Right?

15 A Yes.

16 Q And it's probably bilateral up on top. And
17 then you've listed bone graft on right wrist, 2000 or
18 somewhere around there. Right?

19 A Yes.

20 Q And then you also list left knees, '97. Right?

21 A Yes.

22 Q Okay. In your medical treatment, do you
23 anticipate that your doctors and the people that are
24 looking at your records, that they will rely on what you
25 write down as your past history?

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1 A I guess, yeah.

2 Q When you first applied for work at Kirby, did
3 they have you go see a doctor?

4 A Yes.

5 Q And did that doctor ask you to fill out some
6 paperwork as to past injuries, illnesses, past problems,
7 things like that?

8 A I believe so, yeah.

9 Q Let me show you this page. Is that something
10 that you would have filled out yourself?

11 A Yeah.

12 Q Okay. And this is a health history
13 questionnaire. Right?

14 A Yeah.

15 Q And it's dated September 23rd, 2004?

16 A Yes, sir.

17 Q And it asks you to check if you ever worked
18 around or been exposed to and then it has a whole list
19 of different items. Right?

20 A Yes, sir.

21 Q And on this list, you've marked "yes" on a
22 number of different things that you've worked around or
23 been exposed to and marked "no" on things that you never
24 were. Right?

25 A Yeah.

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1 Q And the second page of this health
2 questionnaire, is that something that you filled out as
3 well?

4 MR. BAXLEY: Hold on a second.

5 MR. SULLIVAN: Sure.

6 A Yes, sir.

7 Q (BY MR. SULLIVAN) And in there, it asks if
8 you've -- it has family history, if any of your family
9 has any symptoms of things and you've put "yes" and "no"
10 on different things. Right?

11 A Yes, sir.

12 Q And then it has a personal health history. And
13 it asks if you've been ever had or been treated for a
14 number of different things and you've marked "no" on all
15 of those. Right?

16 A Yeah.

17 Q Okay. And that includes cancer, diabetes,
18 communicable diseases, sleep walking, prostate, mental
19 illness, sleep problems, drug or alcohol abuse. Right?

20 A Yes.

21 Q And then it says "List any hospitalizations,
22 major illnesses or injuries, indicate year and length of
23 illness." Right?

24 A Yes.

25 Q And you've indicated a hernia surgery of 2000.

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1 Right?

2 A Uh-huh.

3 Q And a knee surgery of 1996. Right?

4 A Yes.

5 Q Okay. Did you list your second hernia surgery
6 on there?

7 A No.

8 Q Okay. Did you list any of your carpal tunnel
9 surgeries there?

10 A No.

11 Q Did you list your bone graft of your right
12 wrist there?

13 A No.

14 Q Did you list your first ACL surgery there?

15 A No.

16 Q Why not?

17 A I don't remember.

18 Q When you filled this paperwork out which we'll
19 -- the first page we talked about, we'll mark that as
20 No. 2. The second page, the page we were just talking
21 about, we'll mark that as No. 3.

22 (Exhibit 2 Exhibit 3 marked.)

23 Q (BY MR. SULLIVAN) When you filled Exhibits 2
24 and 3 out, you knew that you had had carpal tunnel
25 surgery in both hands. Right?

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1 A Yeah.

2 Q And you knew you had had a bone graft on your
3 right wrist. Right?

4 A Yes.

5 Q You knew you had a second hernia surgery.
6 Right?

7 A Yes.

8 Q You knew you had had a second ACL surgery.
9 Right?

10 A Yeah.

11 Q The third page which we'll mark as Exhibit No.
12 4 --

13 (Exhibit No. 4 marked.)

14 Q (BY MR. SULLIVAN) -- asks about blood
15 disorders and whether you have different symptoms. And
16 you've marked "yes" or "no." Right?

17 A Yes.

18 Q And then it asks about central nervous problems
19 and you've answered those questions all negative in the
20 no. Right?

21 A Yes.

22 Q And the next page, which we'll mark as Exhibit
23 No. 5 --

24 (Exhibit No. 5 marked.)

25 Q (BY MR. SULLIVAN) -- this is a continuation of

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1 the questionnaire that you filled out when you were
2 looking for work with Kirby. Right?

3 A Yes.

4 Q Okay. And it asks about stomach and intestinal
5 tract problems or symptoms. And you've marked "yes" and
6 "no." Okay. And, again, it asks about hernias, doesn't
7 it?

8 A Yeah.

9 Q And you've listed one surgery. Right?

10 A Yes, sir.

11 Q You didn't list the second surgery -- the first
12 hernia surgery there, did you?

13 A No.

14 Q Why didn't you list it there?

15 A I don't remember.

16 Q Does it ask for it?

17 A It doesn't ask for surgeries, no.

18 Q Okay. Why did you choose to list the hernia
19 surgery of 2000 and not the first hernia surgery?

20 A I don't remember.

21 Q You knew that you had had a hernia surgery in
22 1992 or the -- whenever the first surgery was, didn't
23 you?

24 A Yeah.

25 Q And it goes on to ask about kidney, bladder

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1 problems, and liver problems. And you've answered
2 those. Right?

3 A Yes.

4 Q The next page, which we'll mark as Exhibit No.
5 6 --

6 (Exhibit No. 6 marked.)

7 Q (BY MR. SULLIVAN) -- is that a continuation of
8 the medical questionnaire that you filled out when you
9 were applying for work with Kirby?

10 A Yes.

11 Q And it talks about heart and circulatory
12 problems and symptoms, and you've answered those
13 questions. Right?

14 A Yes.

15 Q And then it asks about musculoskeletal issues
16 and you've answered those, too. Right?

17 A Yes.

18 Q Okay. What is -- did you make this notation?

19 A No. I don't even know what it says.

20 Q Okay. Volleyball accident, would that be a
21 doctor?

22 A Yes.

23 Q Okay. And it says, "Check if you have ever
24 had," and then it has a list of items. Right?

25 A Yes.

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1 Q And it asks about broken bones and you answered
2 "yes." Right?

3 A Yes.

4 Q You listed a left big toe in 1992. Is that
5 correct?

6 A Yes.

7 Q Have you had any other broken bones?

8 A No.

9 Q And it says "Neck pain or whiplash." You've
10 marked "no." Right?

11 A Yes.

12 Q And then it says, "Knee pain or injury." You
13 marked "yes." Right?

14 A Yeah.

15 Q And you indicated that you had an ACL
16 replacement in 1996.

17 A Yes.

18 Q Right? Okay. Why didn't you list the second
19 ACL surgery there?

20 A I don't remember.

21 Q But you knew you had had two ACL surgeries.
22 Right?

23 A Yeah.

24 Q But you only listed one?

25 A Yeah.

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1 Q Okay. And then it asks if you have any
2 muscular disease. You marked "no." It says, "Check if
3 you ever had any back pain or injury." And you marked
4 "no." Right?

5 A Yes.

6 Q "Joint swelling, head or spinal injury,
7 arthritis, foot, ankle pain injury," you marked "yes"
8 with a left big toe. Right?

9 A Yes.

10 Q And then it says, "Hand, wrist pain or injury,"
11 and you marked "no." Right?

12 A Yes.

13 Q You didn't indicate that you had had carpal
14 tunnel surgeries on both wrists, did you?

15 A No.

16 Q You didn't indicate that you had had a bone
17 graft on your right wrist, did you?

18 A No.

19 Q The next page, which we'll mark as No. 7 --
20 (Exhibit No. 7 marked.)

21 Q (BY MR. SULLIVAN) -- this is a continuation of
22 the questionnaire that you were filling out before you
23 were hired with Kirby or at the time of your trying to
24 get work with Kirby?

25 A Yeah.

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1 Q And you've answered the questions with regard
2 to the respiratory issues. Right?

3 A Yes, sir.

4 Q And answered questions with regard to tobacco
5 use. Right?

6 A Yeah.

7 Q Okay. Did you ever smoke cigarettes?

8 A No.

9 Q Or pipes or cigars?

10 A No.

11 Q And then it asks about skin problems and you've
12 answered that. Right?

13 A Yes.

14 (Exhibit No. 8 marked.)

15 Q (BY MR. SULLIVAN) This next page is No. 8.
16 This is a continuation of your health history
17 questionnaire --

18 A Yes.

19 Q -- that you filled out. Correct?

20 A Yes.

21 Q It asks about your vision and hearing. Right?

22 A Yes.

23 Q And you've answered those questions?

24 A Yes, sir.

25 (Exhibit No. 9 marked.)

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1 Q (BY MR. SULLIVAN) I'll show you the next page
2 which we've marked as Exhibit No. 9. Is this a
3 continuation of your health history questionnaire that
4 you filled out?

5 A Yes.

6 Q And it asks, "Have you had any work-related
7 accidents?" Right?

8 A Yes.

9 Q You marked "no."

10 A Yes.

11 Q Okay. Have you had any work-related accidents
12 besides the one we're here about today?

13 A Just my hand, yeah.

14 Q And you had your hand -- your hand injury, the
15 trigger finger you're talking about. Right?

16 A Yes.

17 Q You had that injury before you filled out this
18 health history questionnaire, didn't you?

19 A Yes, sir.

20 Q And that was a work-related accident. Right?

21 A Yes.

22 Q Okay. And did you lose time from work as a
23 result of that accident?

24 A I don't remember.

25 Q Okay. Did you receive medical treatment as a

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1 result of that accident?

2 A Yeah.

3 Q On this health history questionnaire, you
4 marked "no." Right?

5 A Yes.

6 Q Let me show you the next page which we'll mark
7 as Exhibit No. 10.

8 (Exhibit No. 10 marked.)

9 Q (BY MR. SULLIVAN) Is that a continuation of
10 the health history questionnaire that you filled out?

11 A Yes, sir.

12 Q Okay. And it asks if you have a history of
13 sports-related injuries. Right?

14 A Yes, sir.

15 Q You've marked down the ACL. Correct?

16 A Yes.

17 Q And you indicate that you had ACL repair on
18 left knee in 1996. Right?

19 A Yes.

20 Q You didn't mark down the second ACL surgery,
21 did you?

22 A No.

23 (Exhibit No. 11 marked.)

24 Q (BY MR. SULLIVAN) I marked the next page as
25 Exhibit No. 11. What we've marked as Exhibit No. 11, is

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1 that a continuation of the health history questionnaire
2 that you filled out for Kirby?

3 A Yes.

4 Q Have you ever been involved in a moving vehicle
5 accident, in a car accident?

6 A No.

7 (Exhibit No. 12 marked.)

8 Q (BY MR. SULLIVAN) Let me show you what we've
9 marked as Exhibit No. 12. This is a continuation of
10 the health history questionnaire that you filled out for
11 Kirby.

12 A Yes.

13 Q Have you ever had any chiropractic care?

14 A No.

15 Q And then there's a -- when you were at River
16 Oaks and you had to fill out their questionnaire and it
17 says, "List types and dates of all surgeries." You felt
18 that the bone graft on the right wrist in 2000 was a
19 significant enough surgery for you to list on their
20 questionnaire. Right?

21 MR. BAXLEY: Objection; assumes facts not
22 in evidence.

23 Q (BY MR. SULLIVAN) Is that right?

24 A I guess.

25 Q Okay. And you felt that the carpal tunnel

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1 surgeries that you had were important enough for you to
2 list on their questionnaire. Right?

3 A Yeah.

4 Q Okay. Now, in -- on the health history
5 questionnaire that you provided to Kirby that you
6 answered the questions on, there's a question there that
7 says, "Have you ever experienced any other injuries,
8 accidents, or trauma as to your body that would be
9 considered significant?" You put "no." Right?

10 A Yeah.

11 Q You never listed on the health history
12 questionnaire -- and let me show you the final page
13 which we'll mark as Exhibit No. 13.

14 (Exhibit No. 13 marked.)

15 Q (BY MR. SULLIVAN) And what we've marked as
16 Exhibit No. 13, that's a continuation of your health
17 history questionnaire. Right?

18 A Yes.

19 Q Now, on all 12 pages of the health history
20 questionnaire that you've looked at today, you never
21 mentioned or wrote down your bilateral carpal tunnel
22 surgeries, did you?

23 A No.

24 Q And you never mentioned or wrote down your
25 right wrist surgery with the bone graft, did you?

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1 A Not that I remember, no.

2 Q And you never wrote down or mentioned two ACL
3 surgeries in place of just mentioning one, did you?

4 A No.

5 Q And you never mentioned a second hernia
6 surgery, did you?

7 A No.

8 Q And you never mentioned your trigger finger
9 surgery, did you?

10 A No.

11 (Exhibit No. 14 marked.)

12 Q (BY MR. SULLIVAN) On No. 14 which is -- I'm
13 sorry. It's the last page of the health history
14 questionnaire, is that your signature?

15 A Yes.

16 Q And did you read the statement of patient
17 before you signed that page?

18 A As far as I know I did, yeah.

19 Q And it states that, "I certify that I have
20 reviewed this form and all answers are true and
21 complete, to the best of my knowledge." Is that right?

22 A Yes, sir.

23 Q And you've put your signature down underneath
24 that statement. Right?

25 A Yes, sir.

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1 Q Okay. And then you dated it September 23rd,
2 2004?

3 A Yes, sir.

4 Q Let me show you this page. What is that?

5 A Equipment list.

6 Q Is it equipment that's issued to you?

7 A Yes, sir.

8 Q And is that a list of what equipment was issued
9 to you?

10 A Yes, sir.

11 Q Okay. Let me mark that as No. 15.

12 (Exhibit No. 15 marked.)

13 Q (BY MR. SULLIVAN) And that's equipment that
14 you had to give back to Kirby?

15 A Yes, sir.

16 Q And you did that. Right?

17 A Yes.

18 MR. BAXLEY: Off the record.

19 (Discussion off the record.)

20 Q (BY MR. SULLIVAN) Okay. As -- on the
21 tankerman side of your job -- I know you're tankerman
22 and dock man you said?

23 A Where I am at now, yeah.

24 Q Is that just because that's what the job is?

25 A Yes.

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1 Q Okay. It's not because of any physical problem
2 you have?

3 A No.

4 Q The tankerman side of your job now and the
5 tankerman job that you had with Kirby, are you doing the
6 same thing?

7 A Yeah.

8 Q And you've given us through your lawyer copies
9 of your tankerman books which includes, you know, all
10 your transfers, plus it includes the ready barge
11 inspection --

12 A Yes.

13 Q -- slips and things. If you see a problem on a
14 barge, you write it down in your ready barge inspection
15 book. Right?

16 A Most of the time, yeah.

17 Q And can we assume that if the ready barge
18 inspection sheet is blank, that you didn't see a
19 problem?

20 A Yeah.

21 Q Just save us from going piece by piece. Back
22 in -- who is Dr. Patel?

23 A He's my family physician.

24 Q Back in 2003, did you go to Dr. Patel
25 complaining of low back pain for two weeks and your left

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1 leg gets numb and tingling?

2 A I guess, yeah.

3 Q Okay. I'm looking at Dr. Patel's records on
4 page 2 of his records. Do you remember going to
5 Dr. Patel complaining of back pain for two weeks with
6 some left leg numbness and tingling.

7 A I don't remember going there but I guess I did,
8 yeah.

9 MR. BAXLEY: What's the date on that,
10 Dennis?

11 MR. SULLIVAN: August 4th, 2003.

12 Q (BY MR. SULLIVAN) And Dr. Patel writes down,
13 "history of disk herniation." Had you ever been
14 diagnosed as having a herniated disk?

15 A I've been told that before by doctors but I
16 never paid attention to it because they never said I was
17 really diagnosed with it, no.

18 Q Okay. How often do you have pain and tingling
19 down your left leg?

20 A Not often at all, no.

21 Q Do you still have it now?

22 A No.

23 Q When is the last time you had it?

24 A I really don't remember.

25 Q How long were you out of work before you

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1 started working at Houston Marine?

2 A Month, month and a half maybe.

3 Q Why were you told you were being let go from
4 Kirby?

5 A They said I lied on my application.

6 Q Did they tell you specifically what?

7 A No.

8 Q Did you lie on your application?

9 A Not that I was aware of, no.

10 Q Did you fully answer all of the questions in
11 your health history questionnaire?

12 A At the time, I guess.

13 Q This is page 11 in the Houston Marine Service
14 employment records. It's entitled, "Conditional Job
15 Offer and Medical Review." Is that something that you
16 would have filled out when you applied for work at
17 Houston Marine Service?

18 A (No response.)

19 Q Do you need to hear the question again?

20 A No. The question was something I filled out.
21 Right?

22 MR. SULLIVAN: Can you read back the
23 question?

24 COURT REPORTER: (Reading back.)

25 "QUESTION: This is page 11 in the Houston

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1 Marine Service employment records. It's entitled,
2 "Conditional Job Offer and Medical Review." Is that
3 something that you would have filled out when you
4 applied for work at Houston Marine Service?"

5 A Yes.

6 Q (BY MR. SULLIVAN) In there, it indicates,
7 "Have you had any injuries on the job?" And you write
8 down, on July 27th while working for Kirby, that you
9 injured your right wrist. Right?

10 A Yes.

11 Q And it also asks for a percentage of any
12 permanent disability. Right?

13 A Yes.

14 Q And what was your answer to that question?

15 A Zero.

16 Q And on the Houston Marine questionnaire, you
17 disclosed your right wrist cyst on bone. Right?

18 A Yeah.

19 Q And is that the surgery with the bone graft?

20 A Yes, sir.

21 Q When you were called out when you were working
22 with Kirby for a job, did they tell you the boat name,
23 the barge name, or both or none?

24 A Barge name.

25 MR. SULLIVAN: No further questions.

ORAL DEPOSITION OF TIMOTHY JAMES POOLE

1 MR. BAXLEY: We will reserve our questions
2 until the time of trial.

3 COURT REPORTER: Would you like a copy of
4 this deposition?

5 MR. BAXLEY: Just the condensed version
6 only, please.

7 * * * * *

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ORAL DEPOSITION OF TIMOTHY JAMES POOLE

CHANGES AND SIGNATURE			
PAGE	LINE	CHANGE	REASON
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11			
12	I, TIMOTHY JAMES POOLE, have read the foregoing		
13	deposition and hereby affix my signature that same is		
14	true and correct, except as noted herein.		
15	<div style="text-align: right;"> TIMOTHY JAMES POOLE Job No. 57339 </div>		
16	STATE OF TEXAS)		
17	COUNTY OF HARRIS)		
18	BEFORE ME, _____, on this day		
19	personally appeared TIMOTHY JAMES POOLE, known to me		
20	(proved to me on the oath of _____		
21	or through _____ (description of		
22	identity card or other document)) to be the person whose		
23	name is subscribed to the foregoing instrument and		
24	acknowledged to me same was executed for the purposes		
25	and consideration therein expressed.		
	Given under my hand and seal of office this _____		
	day of _____, _____.		
	<div style="text-align: right;"> NOTARY PUBLIC IN AND FOR THE STATE OF _____ </div>		

ORAL DEPOSITION OF TIMOTHY JAMES POOLE

1 COUNTY OF HARRIS)

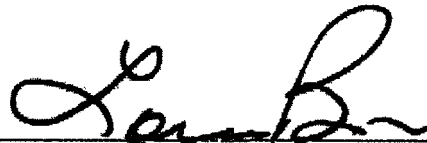
2 STATE OF TEXAS)

3 REPORTER'S CERTIFICATE

4 I, LORRAINE BRAZIL, Certified Shorthand Reporter in
5 and for the State of Texas, hereby certify that this
6 transcript is a true record of the testimony given.

7 I further certify that I am neither attorney nor
8 counsel for, related to, nor employed by any of the
9 parties to the action in which this testimony was taken.
10 Further, I am not a relative or employee of any attorney
11 of record in this cause, nor do I have a financial
12 interest in the action.

13 Subscribed and sworn to on this the 11th day of
14 May, 2006.

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18 LORRAINE BRAZIL
19 Certified Shorthand Reporter
20 In and for the State of Texas
21 Certification No. 3119
22 Expiration Date: 12-31-07
23
24
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ORAL DEPOSITION OF TIMOTHY JAMES POOLE

1 COUNTY OF HARRIS)

2 STATE OF TEXAS)

3 REPORTER'S SUPPLEMENTAL CERTIFICATE

4
5 I hereby certify that the witness was notified
6 on _____ that the witness has 30 days (____ days
7 per agreement of counsel) after being notified by the
8 officer that the transcript is available for review by
9 the witness and if there are changes in form or
10 substance to be made, then the witness will sign a
11 statement reciting such changes and the reasons given by
12 the witness for making them;

13 That the witness signature was/was not returned
14 as of _____.

15 Subscribed and sworn to on this the ____ day
16 of _____, _____.

17
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19 

20 Lorraine Brazil
21 Certified Shorthand Reporter
22 In and for the State of Texas
23 Certification No. 3119
24 Expiration Date: 12-31-07
25